United States Environmental Protection Agency
Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL: RETURN RECEIPT REQUESTED [Final]

MAR 3 1 2014

Mr. Barry Sparks, Plant Manager
Crown Beverage Packaging USA
155 Shepard Street
Lawrence, MA 01843

Re: **NOTICE OF VIOLATION** of the Resource Conservation and Recovery Act ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, and the Commonwealth of Massachusetts Department of Environmental Protection Hazardous Waste Regulations (310 CMR 30.00 through 30.1103)

Dear Mr. Sparks:

On June 24, 2013 the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection at Crown Beverage Packaging USA ("Crown" or the "Facility") in Lawrence, Massachusetts. The purpose of this inspection was to determine the compliance of Crown (EPA ID No. MAD049432008) with the Commonwealth of Massachusetts Department of Environmental Protection ("MassDEP") Hazardous Waste Regulations (310 CMR 30.00 through 30.1103), and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The Commonwealth of Massachusetts has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the MassDEP regulations and the RCRA regulations, promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

1. **Failure to conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.351(10)(b), which references 310 CMR 30.302.**

   Specifically, at the time of the inspection, the following containers of waste had not undergone timely and appropriate hazardous waste determinations:

   a. EPA observed a 55-gallon yellow over pack drum used to collect scrap metal corresponding to punctured and drained metal aerosol cans. EPA looked at the content of this scrap metal drum and saw numerous red aerosol spray cans of Brakleen. The proprietary label on this Brakleen product indicates that it contains tetrachloroethylene,

an F-listed constituent. The label on the drum plumbed to an aerosol spray can puncturing device containing drained aerosol waste did not identify the presence of tetrachloroethylene; and

b. Various product containers located in the HWSA and Universal Waste Storage Area: The following items, stored on secondary containment pallets, were observed by EPA in the HWSA and adjacent Universal Waste Storage Area. According to Ms. Lyons (Crown EHS Department Manager), the items described below were no longer needed by the Facility. She indicated that Safety Kleen representatives were at the Facility the week prior to EPA's inspection and was in the process of conducting hazardous waste determinations for Crown. Inspectors explained that the responsibility for doing hazardous waste determinations rests with the generator and should be conducted as soon as a material becomes a solid waste:

1. One blue, open metal container, stained with a white substance. This container looked like part of a manufacturing assembly, however, Facility representatives were not sure of its origin or contents;
2. Two severely corroded 5-gallon metal drums, specifically:
   a. One 5-gallon gray metal container with a difficult to read proprietary label that read "4905-FOAM TFOL 2598, [illegible] Chemical." This container was resting on top of ➔
   b. One extremely corroded (i.e., with dime to half-dollar-sized holes eaten through the top segment of the container). There was no proprietary label discernible on this container;
3. One open 1-gallon can of paint. The proprietary label indicated "High Performance Benjamin Moore Super Spec HP Maintenance Coating, Urethane Alkyd Gloss Enamel." This container was resting on top of ➔
4. One closed 5-gallon container of "Loctite Fixmaster Floor Fill, Three-part Epoxy for Solving a Variety of Floor Repair and Resufacing Problems;"
5. One 5-gallon container of "Carbide Power Grind Rustlick;" and
6. Three 30-gallon fiber drums on a wooden pallet with proprietary labels that indicated "USF A-464 Anion exchange resin."

2. **Failure to clearly mark and label each tank or container in which hazardous waste is being accumulated with the words "hazardous waste" throughout the period of accumulation, as required by 310 CMR 30.351(8)(a), which further references 310 CMR 30.341(2)(a).**

Specifically, at the time of the inspection, EPA observed the following container that was not labeled with the words "hazardous waste:"

Less-than 180-day hazardous waste storage area (HWSA): The aerosol spray can puncturing device described in item 1, above, was located in the HWSA. The 55-gallon metal drum plumbed to the aerosol can puncturing apparatus, and used to collect the contents of the punctured aerosol spray cans, was labeled "flammable liquid from aerosol spray cans, health-3, flammability-3, reactivity-1." This label was missing the words "hazardous waste." (Also, see item 1, above, for recommended additional wording on the drum label, after implementation of a complete hazardous waste determination.)

3. **Failure to ensure that satellite area accumulation (SAA) containers of hazardous waste remain closed during storage, except when waste is being added or removed, as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.342(1)(c), which further references 310 CMR 30.685.**

   Specifically, at the time of the inspection, EPA observed the following open SAA container:

   Satellite Area Accumulation (SAA) container in the Ink Department: The area was posted with a sign that read "hazardous waste satellite storage area; all drums must have a hazardous waste sticker attached; all drums must be sealed when not filling; all drums must have ground wire attached; all drums must be taken to the storage area each day; and items listed above are the law."

   When EPA inspected this area there were seven 55-gallon drums of inventory, non-hazardous waste and one 55-gallon SAA hazardous waste container all jammed into an 8 foot by 12 foot area. The SAA consisted of one 55-gallon, electrically grounded, metal drum. The drum bung was open and had a loose fitting, unsecure lidded yellow plastic funnel situated in the opening. The lid of the funnel-was labeled "Varnish Only." The smudged writing on the drum's label indicated "hazardous waste, RQ, UN[illegible], W__STE, PG [illegible], D001."

4. **Failure to ensure that each [SAA] container in which hazardous waste is being accumulated is clearly marked and labeled, throughout the period of accumulation, with the words "hazardous waste," the hazards waste(s) identified in words, and the type of hazard(s) associated with the waste(s), as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.341(2)(a), (b) and (c), respectively.**

   Specifically, at the time of the inspection, EPA observed the following improperly labeled SAA container:

   SAA in the Ink Department (same container described in item 3, above):
   The lid of the loosely fitted funnel, placed into the drum bung, was labeled "Varnish Only." It was unclear to EPA whether this was unassociated labeling on the funnel or whether it corresponded to the contents in the drum. The hazardous waste label on the drum was filled out in pen and most of the writing had been rubbed off. The discernible words on the label were "hazardous waste, RQ, UN[illegible], W__STE, PG [illegible], D001." No words (legible or otherwise) were present on the label which described the contents, and the type of hazard was not indicated in words.

5. **Failure to maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection, spill control, and decontamination equipment to any area of facility operation in an emergency, as required by 310 CMR 30.351(9)(f).**

   Specifically, at the time of the inspection, EPA observed the following instance of insufficient aisle space:

   SAA in the Ink Department (same container described in items 3 and 4, above):
   When EPA inspected this area there were seven 55-gallon drums of inventory, non-hazardous waste and one 55-gallon SAA container all jammed into an 8 foot by 12 foot

area. The SAA container of hazardous waste was placed in a very tight and obstructed corner of that area. EPA and production floor staff had no direct access to this drum. Furthermore, the SAA drum was obstructed by the presence of a 55-gallon polyurethane drum of virgin surfactant which had to be moved out of the way in order allow access.

6. **Failure to have an up-to-date written list containing the following information, a copy of which shall be prominently posted next to every telephone at the site of generation: the name(s) and telephone number(s) of the emergency coordinator(s); the location(s) of the fire extinguisher(s) and spill control material(s), and, if present, the fire alarms; the telephone number of the fire department, and, if there is a direct alarm system, instructions on how to activate it; and evacuation routes, where applicable, as required by 310 CMR 30.351(9)(c)(6)(a) through (d), specifically:**

   Regarding HWSA emergency posting: The telephone closest to the HWSA was located in the nearby Electrical Maintenance Department manager's office. There was no emergency contact list or posting associated with this telephone providing the names and telephone numbers of the primary and alternate emergency coordinators, telephone numbers for the fire department, local hospital, and off-site emergency responders, or the location of fire extinguishers, spill kits, or alarms, or evacuation route(s). However, there was a regular company telephone directory situated near the phone.

7. **Failure to accumulate hazardous waste only in areas that are designed, constructed, maintained and operated to minimize the possibility of any threat to public health, safety, or welfare, or the environment, from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste, as required by 310 CMR 30.351(9)(a).**

   Specifically, at the time of the inspection, EPA observed the following instance where the Facility failed to minimize the threat from fire, explosion or unplanned release of hazardous waste as follows:

   HWSA: EPA observed one, partially full, 55-gallon metal drum fitted with an aerosol can puncturing apparatus plumbed into the 55-gallon drum. The drum was being used to collect the contents of the punctured aerosol spray cans. The labeling present on the drum was "flammable liquid from aerosol spray cans, health-3, flammability-3, reactivity-1." There was a provision for electrically grounding the drum (i.e., a clip, ground wire and ground post was present near the drum); however, the clip was not attached to the drum.

8. **Failure of a small quantity handler of universal waste to hold any broken mercury-containing lamp in a closed container, as required by 310 CMR 30.1034(5)(a).**

   Universal Waste Storage Area near HWSA: EPA observed evidence of broken, un-containerized fluorescent lamp glass on the floor, in a crevice of a secondary containment pallet used to store universal waste batteries and non-PCB ballasts.

9. **Failure to label universal waste mercury-containing lamps with one of the following options: "universal waste mercury-containing lamps," "waste mercury-containing lamps," or "used mercury-containing lamps," as required by 310 CMR 30.1034(5)(e):**

Universal Waste Storage Area near HWSA: All boxes of universal waste lamps were closed, taped shut and dated with start accumulation dates less than one year old. The boxes were labeled "Waste Lamps." The regulatory options for proper labeling of waste fluorescent lamps were not implemented (i.e., "universal waste mercury-containing lamps", "waste mercury-containing lamps" or "used mercury-containing lamps").

Crown Beverage Packaging USA is required to:

Immediately upon receipt of this NOTICE:

1. Conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.351(10)(b), which references 310 CMR 30.302;

2. Ensure that each tank or container in which hazardous waste is being accumulated is clearly mark and label with the words "hazardous waste" throughout the period of accumulation, as required by 310 CMR 30.351(8)(a), which further references 310 CMR 30.341(2)(a);

3. Ensure that SAA containers of hazardous waste remain closed during storage, except when waste is being added or removed, as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.342(1)(c), which further references 310 CMR 30.685;

4. Ensure that each [SAA] container in which hazardous waste is being accumulated is clearly marked and labeled, throughout the period of accumulation, with the words "hazardous waste," the hazards waste(s) identified in words, and the type of hazard(s) associated with the waste(s), as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.341(2)(a), (b) and (c), respectively;

5. Maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection, spill control, and decontamination equipment to any area of facility operation in an emergency, as required by 310 CMR 30.351(9)(f);

6. Provide an up-to-date written list containing the following information, a copy of which shall be prominently posted next to every telephone at the site of generation: the name(s) and telephone number(s) of the emergency coordinator(s); the location(s) of the fire extinguisher(s) and spill control material(s), and, if present, the fire alarms; the telephone number of the fire department, and, if there is a direct alarm system, instructions on how to activate it; and evacuation routes, where applicable, as required by 310 CMR 30.351(9)(c)(6)(a) through (d);

7. Accumulate hazardous waste only in areas that are designed and constructed to prevent, and maintained and operated to minimize the possibility of any threat to public health, safety, or welfare, or the environment, from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water, as required by 310 CMR 30.351(9)(a);

8. Ensure that any broken mercury-containing lamps are held in a closed container, as required by 310 CMR 30.1034(5)(a); and

9. Ensure that all containers of universal waste mercury-containing lamps are labeled with one of the following options: "universal waste mercury-containing lamps," "waste mercury-containing lamps," or "used mercury-containing lamps," as required by 310 CMR 30.1034(5)(e).

Crown must address the requirements set forth above and must immediately begin and continue to operate in compliance with all applicable Federal and State regulations.

Within 30 days of receipt of this NOTICE:

Crown is required to submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations. Information submitted in accordance with this NOTICE should be sent to the following address:

Ms. Susann D. Nachmann, Environmental Engineer
US EPA Region 1 Office of Environmental Stewardship
RCRA, EPCRA and Federal Programs Unit (OES05-1)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Failure to correct the violations, as required by this NOTICE may subject Crown to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann of my staff at (617) 918-1871.

Sincerely,

Mary Jane O'Donnell, Acting Manager
RCRA, EPCRA and Federal Programs Unit

cc: Lisa Lyons, Crown EHS Department Manager
Ed Pawlowski, MassDEP
Susann D. Nachmann, EPA
RCRA file